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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,982	11/13/2001	Sun-mo Kim	1293.1272	6017

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EXAMINER

TRAN, THANG V

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/986,982

Applicant(s)

KIM ET AL.



Examiner

Thang V. Tran

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-16 is/are allowed.
- 6) ☒ Claim(s) 1, 17-20, 26-40, 42, 45, 48-53 and 55-57 is/are rejected.
- 7) ☒ Claim(s) 2-13, 21-25, 41, 43, 44, 46, 47, 54 and 58 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 17-20, 26-40, 42, 45, 48-53 and 55-57 are rejected under 35 U.S.C. 102(b) as being anticipated by Mistretta (US 5,548,571).

Regarding claim 1 and 50, see 1-7 of Mistretta which show a disk cartridge (see Fig. 3) having a disk where information is recorded and/or reproduced using a disk drive with a probe portion (light transmitter T and light receiver R in Fig. 6), where the disk cartridge (see Fig. 3) comprising: a case to rotatably accommodate the disk; identification units (h, ht, ho) disposed on the case to identify a type of the disk using the probing portion; and where the probing portion selectively contact the identification unit to produce a predetermined sequence of information; and a detection unit (CPU in Fig. 6) to determine the type of disk based on the predetermined sequence of information, as recited in the instant claimed invention.

Regarding claims 18-20, see respective disclosure of Fig. 6.

Regarding claims 26-30, see respective disclosure of Figs. 3-5D.

Regarding claim 31, see the rejection applied to claim 1. The features related to a turntable, a motor, and optical pickup and a controller as further recited in claim 31 are inherently included in an optical or magneto-optical disk drive apparatus shown in Fig. 1.

Regarding claims 32-40, see respective disclosure of Fig. 6.

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Regarding claim 42, see the rejection applied to claim 1 and further see respective disclosure of Fig. 6.

Regarding claim 45, see the rejection applied to claim 1 and further see respective disclosure of Fig. 6.

Regarding claims 48-49, see respective disclosure of Fig. 6.

Regarding claims 51-53 and 57, see respective disclosure of Fig. 6.

Regarding claims 55 and 56, see respective disclosure of Figs. 3-5D.

***Allowable Subject Matter***

3. Claims 2-13, 21-25, 41, 43, 44, 46, 47, 54 and 58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 14-16 are allowed.

5. Claims 2-16, 21-25, 41, 43, 44, 46, 47, 54 and 58 are allowed over the prior art of record because the prior art of record, considered in combination or individually, fails to suggest or fairly teach a disk cartridge including all limitation as recited in claim 2 or 21; or a disc drive apparatus including all features as recited in claim 14 or 41; or a disc identification mechanism including all features as recited in claim 16; or a type of disc detecting method including all limitations as recited in claim 43; or a computer readable medium including all limitations as recited in claim 46; or a disc type detecting apparatus including all features as recited in claim 54 and 58. claims 3-13, 22-25, 44, 47 are allowable with their respective parent claim.

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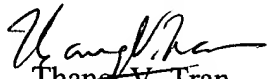
*Cited References*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references relate to a disk cartridge having identification units provided on a case for identifying a type of disk.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (703) 308-1551. The examiner can normally be reached on Tuesday to Friday, from 7:30AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
Thang V. Tran  
Primary Examiner  
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